## Sim & McBurney

Patent and Trade Mark Agents

Please Quote

Our ref.

7865-276 MIS

Your ref.

Writer's Direct Dial: (416) 849-8400

E-mail:

mistewart@sim-mcburney.com

JAN 2 2 2007

January 19, 2007

## Via Courier

United States Patent and Trademark Office Customer Service Window, Mail Stop Amendment Randolph Building 401 Dulany Street Alexandria, VA 22314

Dear Sirs:

RE:

United States Patent Application No. 10/566,082

Brent E. Green et al. Applicant:

**Process for Preparation of Flax Protein Isolate** 

Please find enclosed an Information Disclosure Statement and copies of the non U.S. Patent references listed therein with respect to each of the references cited in the specification, in the International Search Report received on the corresponding International application, and in related U.S. Application No. 10/902,102.

Respectfully submitted,

Michael I. Stewart

Registration No. 24,973

M.I. Stewart:ddl **Enclosure** 

330 University Avenue 6th floor Toronto, Canada M5G 1R7

Telephone (416) 595-1155 Fax (416) 595-1163

MICHAEL I. STEWART TONI POLSON ASHTON JOHN H. WOODLEY KENNETH D. MCKAY TIMOTHY M. LOWMAN STEPHEN M. LANE PATRICIA A. RAE DAVID A. RUSTON LOLA A. BARTOSZEWICZ ANDREW R.O. JONES KIMBERLY A. MCMANUS

LYNDA P.S. COVELLO DAVID A. SEED MATTHEW D. POWELL JAIDIP CHATTERJEE MARCO M. CLEMENTONI KENNETH M. T. MURPHY MARLYE MONFISTON ABIGAIL A. BROWNE LORRAINE M. FLECK SENIOR CONSULTANT PETER W. MCBURNEY TECHNICAL ASSISTANTS RUPINDER HANS, LL.B., JD.

KENNETH K. MA, PH.D.

Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Derwork Reduction As of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Complete if Known

Application Number 10/566,082

Filing Date July 30,2004

First Named Inventor Brent E. Green

Art Unit

(Use as many sheets as necessary)

Sheet

**Examiner Name** 

Attorney Docket Number | 7865-276 MIS/ddl

Examiner	Cite	Document Number	Publication Date	Name of Patentee or	Pages, Columns, Lines, Where
Initials*	No. <sup>3</sup>	Number-Kind Code <sup>2 (if known)</sup>	MM-DD-YYYY	Applicant of Cited Document	Relevant Passages or Relevant Figures Appear
		<sup>US-</sup> 2,785,155	03-12-1957	Mortimer et al	
		<sup>US-</sup> 2003109679	06-12-2003	Green et al	
		<sup>US-</sup> 5,925,401	07-20-1999	Kankaanpaa-Anttila et al	<u></u>
		<sup>US-</sup> 6,140,469	10-31-2000	Shen et al	
		<sup>US-</sup> 6,005,076	12-21-1999	Murray et al	
		<sup>US-</sup> 4,370,267	01-25-1983	Lehnhardt et al	PA WANTED TO SEE STATE OF THE SECOND
		<sup>US-</sup> 4,285,862	08-25-1981	Murray et al	
		<sup>US-</sup> 20030149243	08-07-2003	Murray et al	
		<sup>US-</sup> 20040034200	02-19-2004	Logie et al	
		<sup>US-</sup> 2,573,072	10-30-1952	Vassel	
		<sup>US-</sup> 4,085,229	04-18-1978	Staron	
		<sup>US-</sup> 2,607,767	08-19-1952	Vassel	
		<sup>US-</sup> 6,359,017	03-19-2002	Bruckner et al	andre and a state of the state
		US-			
		US-	**************************************	**************************************	**************************************
		US-			
		US-			
		US-			

	FOREIGN PATENT DOCUMENTS						
Examiner	Cite	Foreign Patent Document	Publication Date	Name of Patentee or	Pages, Columns, Lines,		
Initials*	No.'	Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known)	MM-DD-YYYY	Applicant of Cited Document	Where Relevant Passages or Relevant Figures Appear	T⁵	
		JP 55-124457	09-22-1980	Koshiyama et al			
		WO 03/030652	04-17-2003	Burcon Nutrascience (MB) Corp.			
***************************************		WO 03/088760	10-30-2003	Burcon Nutrascience (MB) Corp.	***************************************		
		CN1246504	03-08-1999	Ban Zhenhuai			
	<u></u>	CA2451190	11-26-2003	Nutrex Wellness Inc., CA			

Examiner	Date	
Signature	Considered	

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. 1 Applicant's unique citation designation number (optional). 2 See Kinds Codes of USPTO Patent Documents at <a href="https://www.uspto.gov">www.uspto.gov</a> or MPEP 901.04. 3 Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). 4 For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. 5 Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. 6 Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

	Under the Paperwork Reduction Act of 19st Substitute for form 1449A/PTO	95, no persons are required to re	o respond to a collection of information unless it contains a valid OMB control number.  Complete if Known			
			Application Number	10/566,082		
	INFORMATION DIS	CLOSURE	Filing Date	July 30,2004		
	STATEMENT BY A	PPLICANT	First Named Inventor	Brent E. Green		
			Art Unit			
	(Use as many sheets as n	ecessary)	Examiner Name			
S	heet 2	of 3	Attorney Docket Number	7865-276 MIS/ddl		

Examiner	Cite	Document Number	Publication Date	OCUMENTS  Name of Patentee or	Pages, Columns, Lines, Where	
Initials* No.	Cite No.1	MM-DD-YYYY  Number-Kind Code <sup>2 (ff known)</sup>		Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevan Figures Appear	
		US-			•	
		US-				
		US- `				
		US-				
	******	US-				
	<del>,</del>	US-				
		US-				
		US-				
		US-				
		US-				
		US-				
		US-	<u></u>			
		US-				
		US-	···	,	,	
-		US-				
		US-				
		US-	· · · · · · · · · · · · · · · · · · ·		· · · · · · · · · · · · · · · · · · ·	
***************************************		US-				

	FOREIGN PATENT DOCUMENTS							
Examiner	Cite	Foreign Patent Document	Publication Date	Name of Patentee or	Pages, Columns, Lines, Where Relevant Passages			
Initials* No	No.¹	Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known)	MM-DD-YYYY	Applicant of Cited Document	Where Relevant Passages or Relevant Figures Appear	T° !		
		WO 97/27761	08-07-1997	B M W CANOLA INC.				
***************************************					***************************************			
******************	<u> </u>	***************************************	***		***************************************			
943534444614446		***************************************			***************************************			
*	<b></b>	······································	***************************************	•	***************************************			

Examiner	,	Date	
Signature		Considered	
			1

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. 1 Applicant's unique citation designation number (optional). 2 See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. 3 Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). 4 For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. 5 Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. 6 Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

	Substitute f	for form 1449B/PTO				Complete if Known	
,					Application Number	10/566,082	
	INFO	RMATION	DISCLO	SURE	Filing Date	July 30,2004	<del></del>
	STATEMENT BY APPLICANT			ICANT	First Named Inventor	Brent E. Green	
					Art Unit		
		(Use as many she	ets as necessar	y)	Examiner Name		
	Sheet	3	of	3	Attorney Docket Number	7865-276 MIS/ddl	

		NON PATENT LITERATURE DOCUMENTS	
Examiner Initials*	Cite No.1	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T²
		Thanh, Vu Huu and Shibasaki, Kazuo. "Major Protein of Soybea Seeds. A Straightforward Fractionation and Their Characterization." J. Agric. Food Chem., Vol. 24, No.6 (1976) pp. 1117-21	
		Green, Allan. "Linola." Australian New Crops Newsletter, Issue No. 3, January 1995	
***************************************	•••••		
***************************************			
***************************************	***************************************		
Examiner		Date	<u></u>

<sup>\*</sup>EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). 2 Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.